

**SUPREME COURT MINUTES
MONDAY, FEBRUARY 22, 2010
SAN FRANCISCO, CALIFORNIA**

S166221 H030110 Sixth Appellate District **SONNE, MARRIAGE OF**

Opinion filed: Judgment reversed and remanded

The judgment of the Court of Appeal is reversed to the extent it affirmed the trial court's apportionment of the service credit arising from the Husband-Dalia marriage and is otherwise affirmed. The matter is remanded to the Court of Appeal for further proceedings consistent with our opinion.

Majority Opinion by Baxter, J.

-- joined by George, C. J., Kennard, Werdegar, Chin, Moreno, and Corrigan, JJ.

S173860 B202997 Second Appellate District, Div. 8 **DICON FIBEROPTICS, INC.
v. FRANCHISE TAX BOARD**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to April 7, 2010.

S174695 **COLEY (WILLIE CLIFFORD)
ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 18, 2010.

S175615 A119501 First Appellate District, Div. 2 **PEOPLE v. HERNANDEZ
(ARTURO JESUS)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 22, 2010.

S176943 A122723 First Appellate District, Div. 5 **FRANCHISE TAX BOARD v.
S.C. (GONZALES)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to April 5, 2010.

S178799 E044098 Fourth Appellate District, Div. 2 **CABRAL (MARIA) v.
RALPHS GROCERY
COMPANY**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to April 20, 2010. No further extensions are contemplated.

S164174 H030444 Sixth Appellate District **SIMPSON STRONG-TIE
COMPANY v. GORE
(PIERCE)**

Request for judicial notice granted

Respondent's request for judicial notice, filed in this court on November 26, 2008, is granted as to the legislative history documents for Senate Bill No. 1651. In all other respects, the request is denied.

S178382 **SCIMECA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CONCETTA JOAN SCIMECA, State Bar Number 96147, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

CONCETTA JOAN SCIMECA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S178384 **WALSH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JASON ROBERT WALSH, State Bar Number 158471, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. JASON ROBERT WALSH is suspended from the practice of law for a minimum of one year, and he will remain suspended until the following requirements are satisfied:
 - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and
 - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof.

Misconduct, std. 1.4(c)(ii).)

2. JASON ROBERT WALSH must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension.

JASON ROBERT WALSH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his/her suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

JASON ROBERT WALSH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S178385

CAYCE ON DISCIPLINE

Recommended discipline imposed

The court orders that CHERYL CARDOZA CAYCE, State Bar Number 127617, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CHERYL CARDOZA CAYCE is suspended from the practice of law for the first 90 days of probation;
2. CHERYL CARDOZA CAYCE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 22, 2009; and
3. At the expiration of the period of probation, if CHERYL CARDOZA CAYCE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHERYL CARDOZA CAYCE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

CHERYL CARDOZA CAYCE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2011, 2012, and 2013. If CHERYL CARDOZA CAYCE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due

and payable immediately.

S178386**DOWNEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN CURTIS DOWNEY, State Bar Number 70689, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. STEPHEN CURTIS DOWNEY is suspended from the practice of law for the first 150 days of probation;
2. STEPHEN CURTIS DOWNEY must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on October 20, 2009; and
3. At the expiration of the period of probation, if STEPHEN CURTIS DOWNEY has complied with all conditions of probation, the two years period of stayed suspension will be satisfied and that suspension will be terminated.

STEPHEN CURTIS DOWNEY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

STEPHEN CURTIS DOWNEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S178389**ASHWORTH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES CHISHOLM ASHWORTH, State Bar Number 151272, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JAMES CHISHOLM ASHWORTH is suspended from the practice of law for the first six months of probation (with credit given for the period of inactive enrollment pursuant to Business and Professions Code section 6233 which commenced on September 25, 2006, and terminated on March 26, 2007).
2. JAMES CHISHOLM ASHWORTH must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 14, 2009, 2009; and

3. At the expiration of the period of probation, if JAMES CHISHOLM ASHWORTH has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES CHISHOLM ASHWORTH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 911)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 2 AND 3, 2010**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 2 and 3, 2010.

TUESDAY, MARCH 2, 2010 — 9:00 A.M.

S162029	Boeken v. Phillip Morris USA, Inc.
S121552	Martinez et al. v. Combs et al.
S161545	People v. Wyatt (Reginald)

1:30 P.M.

S164011	People v. Jacinto (Armando Monter)
S059531	People v. Redd (Stephen Moreland) [Automatic Appeal]
S053228	People v. Alexander (Andre Stephen) [Automatic Appeal] <i>[To be called and continued to the May 2010 calendar]</i>

WEDNESDAY, MARCH 3, 2010 — 9:00 A.M.

S168950	Runyon v. Board of Trustees of California State University
S166402	People v. Sutton et al.
S171117	People v. Superior Court of Contra Costa County (Michael Nevail Pearson, Real Party in Interest)

1:30 P.M.

S058537	People v. Collins (Scott Forrest) [Automatic Appeal]
S056891	People v. Thompson (James Alvin) [Automatic Appeal]

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)